

ORDERED.

Dated: September 28, 2017



Michael G. Williamson
Chief United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In re:

KATHERINE JOAN MILLER
RICH L. MILLER

Debtors.

CASE NO. 8:17-bk-07239-MGW

CHAPTER 7

ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY

THIS CASE came on for consideration without a hearing on the Motion for Relief from the Automatic Stay filed by U.S. Bank National Association, as Trustee relating to the Chevy Chase Funding LLC, Mortgage-Backed Certificates, Series 2005-2, its successors and/or assigns (the “Movant”) (Doc. No. 7), pursuant to the negative notice provisions of Local Rule 2002-4. Having considered the Motion and the absence of any record objection to the relief requested in the Motion by any party in interest, the Court deems the Motion to be uncontested. Accordingly, it is

ORDERED:

1. The Motion for Relief from the Automatic Stay is granted.
2. The automatic stay arising by reason of 11 U.S.C. §362 of the Bankruptcy

Code is terminated as to Movant's interest in the following property:

A PARCEL OF LAND IN SECTION 1, TOWNSHIP 37 SOUTH, RANGE 17 EAST, SARASOTA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF GOVERNMENT LOT 6, SECTION 1, TOWNSHIP 37 SOUTH, RANGE 17 EAST; THENCE EAST ALONG THE NORTH LINE OF GOVERNMENT LOT 5, SECTION 1, TOWNSHIP 37 SOUTH, RANGE 17 EAST, A DISTANCE OF 51 FEET MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF HIGEL AVENUE; THENCE NORTH 8 DEGREES 17 MINUTES 00 SECONDS EAST ALONG THE EAST RIGHT-OF-WAY LINE OF HIGEL AVENUE DISTANCE OF 50 FEET, MORE OR LESS; THENCE CONTINUE NORTH 8 DEGREES 17 MINUTES 00 SECONDS EAST ALONG THE SAID EAST RIGHT-OF-WAY OF HIGEL AVENUE A DISTANCE OF 2176.11 FEET; THENCE NORTH 12 DEGREES 41 MINUTES 00 DEGREES EAST, ALONG THE AFORESAID EAST RIGHT-OF-WAY LINE OF HIGEL AVENUE A DISTANCE OF 530.52 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ROBERTS POINT ROAD; THENCE EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF ROBERTS POINT ROAD A DISTANCE OF 542.6 FEET MORE OR LESS; THENCE SOUTHEASTERLY ALONG THE WEST RIGH-OF-WAY LINE OF ROBERTS POINT ROAD A DISTANCE OF 714.47 FEET TO THE NORTHEAST CORNER OF LOT 5A, BLOCK 48, REVISED SIESTA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK A, PAGE 38, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE SOUTH ALONG THE SAID WEST RIGHT-OF-WAY LINE OF ROBERTS POINT ROAD A DISTANCE OF 100 FEET; THENCE EAST 24 FEET FOR A POINT OF BEGINNING;

THENCE CONTINUE EAST A DISTANCE OF 93.00 FEET TO THE EASTERLY FACE OF THE EXISTING SEAWALL CAP; THENCE NORTH 1 DEGREE 25 MINUTES 57 SECONDS EAST ALONG THE EASTERLY FACE OF SAID SEAWALL CAP, A DISTANCE OF 3.15 FEET; THENCE NORTH 18 DEGREES 47 MINUTES 20 SECONDS EAST ALONG THE SAID EASTERLY FACE OF SEAWALL CAP A DISTANCE OF 29.02 FEET; THENCE NORTH 6 DEGREES 20 MINUTES 01 SECONDS EAST ALONG SAID FACE OF SEAWALL CAP A DISTANCE OF 69.80 FEET; THENCE WEST A DISTANCE OF 110.15 FEET TO THE EAST RIGHT-OF-WAY OF ROBERTS POINT ROAD; THENCE SOUTH ALONG SAID EAST RIGHT-OF-WAY OF ROBERTS POINT ROAD 100 FEET TO THE POINT OF BEGINNING, AND BEING ALL LANDS LYING EAST OF ROBERTS POINT ROAD TO THE WATERS OF BAYOU HANSON LYING SOUTHERLY OF THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF LOT 5A, AND NORTHERLY OF THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT 5B, BLOCK 48, REVISED SIESTA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK A, PAGE 38, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

AKA 4019 Roberts Point Road, Sarasota, Florida 34242 ("Collateral").

3. The automatic stay is modified for the sole purpose of allowing Movant to complete *in rem* relief to take any and all steps necessary to exercise any and all rights it may have in the collateral, to gain possession of said collateral, to have such other and further *in rem* relief as is just, but the Movant shall not obtain *in personam* relief against the Debtor.

Attorney Austin M. Noel is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.